



December 23, 2021

FILED VIA ECF

The Honorable Hildy Bowbeer
Magistrate Judge, District of Minnesota
United States District Court
316 N. Robert Street
St. Paul, MN 55101

**RE: *In re Pork Antitrust Litigation*, 0:18-cv-01776-JRT-HB
Oral Argument Request by MDL Direct Action Plaintiffs**

Dear Judge Bowbeer:

I write on behalf of the MDL Direct Action Plaintiffs (“MDL DAPs”) in the above-captioned action. Pursuant to the Court’s December 20, 2021 Order (ECF No. 1072), the MDL DAPs believe resolution of the following issues identified in the parties’ Joint Report submitted to the Court on December 10, 2021 (ECF No. 1046), should await further discussion at the upcoming January 31, 2022, case management conference:

1. Amended pleading deadline (ECF No. 1046 at 3-5 (Section II));
2. Defendants’ request for a Consolidated Amended MDL DAP Complaint (*id.* at 5-12 (Section III));
3. Number of depositions of MDL DAPs (*id.* at 12-16 (Section IV);
and
4. Limits on the number of Interrogatories and Requests for Admission available to the MDL DAPs (*id.* at 16-19 (Section V)).

Resolution of these issues can and should wait until the upcoming case management conference because the MDL DAPs believe a brief hearing may help the Court resolve them, and because delaying resolution until the conference will not affect any of the ongoing discovery efforts or schedule in the case.



/s/ Robert N. Kaplan

Robert N. Kaplan
Matthew P. McCahill
Jason A. Uris
KAPLAN FOX & KILSHEIMER, LLP
850 Third Avenue, 14th Floor
New York, New York 10022
Telephone: (212) 687-1980
Email: rkaplan@kaplanfox.com
Email: mmccahill@kaplanfox.com
Email: juris@kaplanfox.com

/s/ Eric R. Lifvendahl

Eric R. Lifvendahl
Ryan F. Manion
L&G LAW GROUP, LLP
175 W. Jackson Blvd., Suite 950
Chicago, Illinois 60604
Telephone: (312) 364-2500
Email: elifvendahl@lgcounsel.com
Email: rmanion@lgcounsel.com

/s/ Richard L. Coffman

Richard L. Coffman
THE COFFMAN LAW FIRM
3355 W. Alabama St., Suite 240
Houston, Texas
77098
Telephone: (713) 528-6700
Email: rcoffman@coffmanlawfirm.com

/s/ Bernard D. Marcus

Bernard D. Marcus
Moiria Cain-Mannix
Brian C. Hill
Rachel A. Beckman
MARCUS & SHAPIRA LLP
One Oxford Center, 35th Floor
Pittsburgh, Pennsylvania 15219

Respectfully submitted,

/s/ Michael S. Mitchell

Michael S. Mitchell
Scott E. Gant
Sarah L. Jones
BOIES SCHILLER FLEXNER LLP
1401 New York Ave., NW
Washington, DC 20005
Tel: 202-237-2727
Fax: 202-237-6131
sgant@bsfllp.com
mmitchell@bsfllp.com
sjones@bsfllp.com

Colleen Harrison
BOIES SCHILLER FLEXNER LLP
333 Main Street
Armonk, NY 10504
Tel: 914-749-8204
Fax: 914-749-8300
charrison@bsfllp.com

*Counsel for Plaintiffs Sysco Corporation and
Amory Investments LLC*

/s/ David C. Eddy

David C. Eddy
Dennis J. Lynch
Travis C. Wheeler
Chase C. Keibler
NEXSEN PRUET, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
Telephone: (803) 771-8900
Facsimile: (803) 253-8277
Email: deddy@nexsenpruet.com
Email: dlynch@nexsenpruet.com
Email: twheeler@nexsenpruet.com
Email: ckeibler@nexsenpruet.com



Telephone: (412) 471-3490
Email: marcus@marcus-shapira.com
Email: cain-mannix@marcus-shapira.com
Email: hill@marcus-shapira.com
Email: beckman@marcus-shapira.com

Counsel for MDL DAPs Action Meat Distributors, Inc., Topco Associates, LLC, Alex Lee, Inc./Merchants Distributors, LLC, Associated Food Stores, Inc., Brookshire Grocery Company, Colorado Boxed Beef Co., Certco, Inc., The Golub Corporation, Nicholas & Co., PFD Enterprises, Inc., SpartanNash Company, Springfield Grocer Company, The Distribution Group d/b/a Van Eerden Foodservice Co., Troyer Foods, Inc., URM Stores, Inc., and Giant Eagle, Inc.

/s/ David B. Esau

CARLTON FIELDS, P.A.

David B. Esau
Email: desau@carltonfields.com
Kristin A. Gore
Email: kgore@carltonfields.com
Garth T. Yearick
Email: gyearick@carltonfields.com
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33401
Tel: (561) 659-7070
Fax: (561) 659-7368

Roger S. Kobert
Email: rkobert@carltonfields.com
405 Lexington Avenue, 36th Floor
New York, New York 10174-3699
Tel: (212) 785-2577
Fax: (212) 785-5203

Aaron A. Holman
Email: aholman@carltonfields.com
200 S. Orange Avenue, Suite 1000

Counsel for Plaintiffs Conagra Brands, Inc., Nestlé USA, Inc., and Nestlé Purina PetCare Co.; and Howard B. Samuels, acting solely in his capacity as Chapter 7 trustee for the bankruptcy of the estate of Central Grocers, Inc.

/s/ Philip J. Iovieno

Philip J. Iovieno
Nicholas A. Gravante, Jr.
Karen C. Dyer
Lawrence S. Brandman
Jack G. Stern
Gillian Groarke Burns
Mark A. Singer
Elizabeth R. Moore
CADWALADER, WICKERSHAM & TAFT LLP
200 Liberty Street
New York, NY 10281
Telephone: (212) 504-6000
Facsimile: (212) 504-6666
E-mail: philip.iovieno@cwt.com
E-mail: nicholas.gravante@cwt.com
E-mail: karen.dyer@cwt.com
E-mail: lawrence.brandman@cwt.com
E-mail: jack.stern@cwt.com
E-mail: gillian.burns@cwt.com
E-mail: mark.singer@cwt.com
E-mail: elizabeth.moore@cwt.com

Counsel for Plaintiffs Jetro Holdings, LLC, BJ's Wholesale Club, Inc., and Sherwood Food Distributors, L.L.C., Harvest Meat Company, Inc., Western Boxed Meat Distributors, Inc., and Hamilton Meat, LLC and Co-Counsel for Plaintiffs Kraft Heinz Foods Company; Winn-Dixie Stores, Inc.; and Bi-Lo Holdings, LLC



Orlando, Florida 32801

Tel: (407) 849-0300

Fax: (407) 648-9099

*Counsel for Cheney Brothers, Inc.;
Subway Protein Litigation Corp., as
Litigation Trustee of the Subway® Protein
Litigation Trust; Buffalo Wild Wings, Inc.;
Jimmy John's Buying Group SPV, LLC;
Sonic Industries Services Inc.; CKE
Restaurants Holdings, Inc.; Wawa, Inc;
and Restaurant Services, Inc.*